

MISSISSIPPI LEGISLATURE

REGULAR SESSION 2018

By: Senator(s) Fillingane

To: Appropriations

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2675

1 AN ACT TO AMEND SECTION 43-26-1, MISSISSIPPI CODE OF 1972, TO  
2 PROVIDE THAT THE MISSISSIPPI DEPARTMENT OF CHILD PROTECTION  
3 SERVICES SHALL BE A SUBAGENCY WITHIN THE MISSISSIPPI DEPARTMENT OF  
4 HUMAN SERVICES AND TO PROVIDE THAT THE COMMISSIONER OF THE  
5 DEPARTMENT OF CHILD PROTECTION SERVICES SHALL MAINTAIN OPERATIONAL  
6 CONTROL OVER THE FUNCTIONS OF THE DEPARTMENT OF CHILD PROTECTION  
7 SERVICES; AND FOR RELATED PURPOSES.

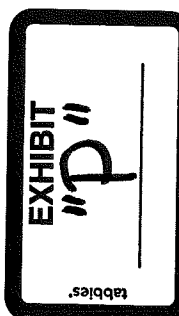
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 43-26-1, Mississippi Code of 1972, is  
10 amended as follows:

11 43-26-1. (1) There is hereby created a Mississippi  
12 Department of Child Protection Services.

13 (2) The Chief Administrative Officer of the Department of  
14 Child Protection Services shall be the Commissioner of Child  
15 Protection Services who shall be appointed by the Governor with  
16 the advice and consent of the Senate. The commissioner shall  
17 possess the following qualifications:

18 (a) A bachelor's degree from an accredited institution  
19 of higher learning and ten (10) years' experience in management,  
20 public administration, finance or accounting; or



21 (b) A master's or doctoral degree from an accredited  
22 institution of higher learning and five (5) years' experience in  
23 management, public administration, finance, law or accounting.

24 (3) \* \* \* The Department of Child Protection Services \* \* \*  
25 shall be a subagency independent of, though housed within, the  
26 Mississippi Department of Human Services. The Commissioner of the  
27 Department of Child Protection Services shall maintain complete  
28 and exclusive operational control of the Department of Child  
29 Protection Services' functions, except functions shared with the  
30 Department of Human Services as provided in subsection (5)(c) and  
31 (d) of this section.

32 (4) The Commissioner of Child Protection Services may assign  
33 to the appropriate offices such powers and duties deemed  
34 appropriate to carry out the lawful functions of the programs  
35 transferred to the department under Chapter 494, Laws of  
36 2016. \* \* \*

37 (5) The Commissioner of Child Protection Services and the  
38 Executive Director of the Department of Human Services shall  
39 develop and implement a plan for the orderly establishment of the  
40 Department of Child Protection Services and its transition from  
41 the Office of Family and Children's Services of the Department of  
42 Human Services. The plan shall:

43 (a) Describe a mechanism for the transfer of any  
44 equipment, supplies, records, furnishings or other materials,  
45 resources or funds dedicated to the operation of the Office of



46 Family and Children's Services of the Department of Human  
47 Services, which may be useful to the Department of Child  
48 Protection Services;

49 (b) Determine the allocation of resources between the  
50 newly created Department of Child Protection Services and the  
51 Department of Human Services, as practicable;

52 (c) Determine the allocation of functions where the  
53 performance of services may be shared between the Department of  
54 Child Protection Services and other employees of the Department of  
55 Human Services, as practicable;

56 (d) Determine whether any administrative support  
57 services, such as Information Technology Services, bookkeeping and  
58 payroll, can continue to be provided by the Department of Human  
59 Services; and

60 (e) Identify other areas deemed relevant by the  
61 commissioner and make recommendations thereon to achieve an  
62 orderly transition.

63 \* \* \*

64 (6) \* \* \* The programs and services provided by the Office  
65 of Family and Children's Services of the Department of Human  
66 Services under the following statutes shall be provided by the  
67 Department of Child Protection Services: Sections 41-87-5,  
68 41-111-1, 43-1-2, 43-1-51, 43-1-55, 43-1-57, 43-1-63, 43-15-3,  
69 43-15-5, 43-15-6, 43-15-13, 43-15-15, 43-15-17, 43-15-19,  
70 43-15-21, 43-15-23, 43-15-51, 43-15-103, 43-15-105, 43-15-115,



71 43-15-125, 43-15-201, 43-15-203, 43-15-207 and 43-18-3,  
72 Mississippi Code of 1972.

73 (7) The PEER Committee shall review the programs or program  
74 of the Mississippi Department of Child Protection Services,  
75 beginning with fiscal year 2017 and each year thereafter. PEER  
76 shall submit this review to the Chair of the Senate Public Health  
77 and Welfare Committee, the Chair of the Senate Appropriations  
78 Committee, the Chair of the House Public Health and Human Services  
79 Committee, the Chair of the House Appropriations Committee, the  
80 Lieutenant Governor, the Speaker of the House of Representatives,  
81 and the Governor by December 1 of each year. The review shall  
82 consist of the following:

83 (a) A review of the effectiveness of any program of the  
84 department for which appropriated outcome measures have been  
85 established;

86 (b) Caseloads for social workers for each county or  
87 another appropriate geographic area;

88 (c) Turnover rates of social worker staff by county or  
89 other geographic area;

90 (d) Sources and uses of department funding; and

91 (e) Any other matters that the PEER Committee considers  
92 to be pertinent to the performance of agency programs.

93 **SECTION 2.** This act shall take effect and be in force from  
94 and after its passage.

